

**SOIL CONSERVATION AND WATER QUALITY DIVISION[27]**

**Adopted and Filed**

**Rule making related to water quality initiative**

The Soil Conservation and Water Quality Division hereby amends Chapter 16, “Water Quality Initiative,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 161A.4(6).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, 2018 Iowa Acts, Senate File 512, sections 23 and 24.

*Purpose and Summary*

These amendments update rules for the Water Quality Initiative to reflect changes made in 2018 Iowa Acts, Senate File 512, by adding new eligible practices. The amendments identify the applicable standards for urban infrastructure program projects. Additionally, the 50 percent cost-share limitation will not apply to edge-of-field practices and land use changes. Some technical updates are also made.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on June 20, 2018, as **ARC 3847C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Division on July 25, 2018.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, a positive impact on jobs has been found. While the majority of the impact comes from the legislation, the rules provide clarity and ease of implementation of practices.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Division for a waiver of the discretionary provisions, if any, pursuant to 27—Chapter 8.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on September 19, 2018.

The following rule-making actions are adopted:

ITEM 1. Rescind the definition of “Eligible cost-share applicants” in rule **27—16.2(161A)**.

ITEM 2. Amend rule **27—16.2(161A)**, definitions of “Funds” and “Nutrient reduction strategy,” as follows:

“*Funds*” include the water quality initiative fund in Iowa Code section 466B.45, include the water quality infrastructure funds in 2018 Iowa Acts, Senate File 512, sections 23 and 24, and may include other moneys appropriated to the department from the environment first fund created in Iowa Code section 8.57A for cost sharing to match federal funds or other nongovernmental funds.

“*Nutrient reduction strategy*” means the document created and updated by the department, the department of natural resources, and Iowa State University of Science and Technology ~~dated May 29, 2013~~ in order to assess and reduce nutrients in watersheds.

ITEM 3. Amend rule 27—16.3(161A) as follows:

**27—16.3(161A,466B) Cost share.** The Except for edge-of-field practices and land use changes, the division’s share of the practice cost shall not exceed the lesser of 50 percent of the estimated cost of establishing the practice as determined by the division or 50 percent of the actual cost of the practice.

ITEM 4. Amend rule 27—16.4(161A) as follows:

**27—16.4(161A,466B) Eligible practices.** Only practices applied to agricultural crop and pasture land whose primary function is to improve improves water quality will be eligible for funds. These practices are identified in the nutrient reduction strategy or by the division. Practices shall meet applicable Natural Resources Conservation Service conservation standards and specifications or applicable standards and specifications set out by the department. Urban infrastructure program projects shall meet the applicable standards in the Iowa storm water management manual published by the department of natural resources. Permanent practices eligible for funding include but are not limited to wetlands, bioreactors, ~~and~~ buffers, structures, land use changes, terraces, waterways and managed drainage systems. Management practices eligible for funding include but are not limited to cover crops and living mulches. Application may be made to the division for cost-share funding for individual cost-share practices or for ~~targeted watershed demonstration~~ projects.

ITEM 5. Amend **27—Chapter 16**, implementation sentence, as follows:

These rules are intended to implement 2013 2018 Iowa Acts, House File 648, section 20, and Senate File 435, sections 8 and 10 and Iowa Code sections 466B.42 and 466B.45 Senate File 512.

[Filed 7/25/18, effective 9/19/18]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 8/15/18.